

United States District Court
Western District of Texas
San Antonio Division

Santos Abraham Guevarra-Padilla,

Petitioner,

v.

Pamela Jo Bondi, Attorney General, *et al.*,

Respondents.

No. 5:26-cv-00695-JKP

Federal Respondents' Expedited Motion to Remove the Stay of Removal

Federal¹ Respondents move this Court to remove, lift, or vacate his Order granting a stay of removal [ECF No. 2 at 2]. This stay should be lifted.

After Respondents filed their Response to the Petition for Habeas Corpus (ECF No. 5), but while this matter is still pending, Petitioner applied for and was granted pre-conclusion voluntary departure under INA § 240B(a) by an immigration judge, and Petitioner waived his right to appeal that decision. Exh. A, Order of the Immigration Judge. “[T]he term ‘voluntary departure with safeguards’ is commonly used to characterize the requirement that an alien remain in custody until he or she departs from the United States.” *Matter of M-A-S-*, 24 I. & N. Dec. 762, 766 (BIA 2009); *see also* 8 USC 1229c(b). To receive pre-conclusion voluntary departure, a detainee must waive the right to appeal. Petitioner has thus met the conditions for a pre-conclusion voluntary departure and is only prevented from leaving the United States by the Court’s Order. ECF No. 2.

Federal Respondents respectfully request this Court lift or vacate Petitioner’s stay of removal.

¹ The Department of Justice does not represent the Warden.

Respectfully submitted,

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